



How to prepare for your personal injury court case

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At Guardian Injury Law, we know that going to court for your [personal injury matter](#) is a stressful event. For most people, attending court is not something they have ever done before, and they may never do it again. In this blog, we aim to provide some useful tips and insight about what you can expect when your personal injury claim is disputed and you end up in court in Victoria and how best to prepare yourself.

Who will be in the courtroom, and what does it look like?

A civil courtroom, where personal injury claim disputes are heard, has four main features:

- 1. The bench:** this is where the judge sits. It is the most elevated position in the courtroom so that they can see the whole court. The judge usually has two staff members sitting below them, their associate and tipstaff. If you are going to the Magistrates' Court, the Magistrate will usually have a court clerk sitting with them;
- 2. The bar table:** this is where the barristers and lawyers sit. The barristers face the judge, while the lawyers sit with their backs to the judge;
- 3. The witness box:** this is where any witnesses in the case give their evidence from. There are microphones positioned in the witness box to record their answers, and in some courtrooms, there are screens in the witness box so that documents can be shown to the witnesses;
- 4. The body of the court:** this is filled with a number of seats for anyone else involved in the case to sit and observe the proceedings. Usually, in a civil case, the plaintiff (the person bringing the claim), will sit in a seat in the body of the court behind their team of lawyers and barristers when they are not giving evidence.

In some civil courtrooms, there is also a jury box with six seats. This is used if the matter is a jury trial.

Court sitting hours are usually from 10.30 am to 4.15 pm with a one-hour lunch break, however, this can vary.

What if I struggle to sit for long periods due to my injuries?

As a result of many of our client's injuries, they struggle to sit or stand for long periods of time. At times the judge will give an initial direction to the person that they may sit or stand as they need during their evidence to accommodate their injury. If this does not occur, you may ask the judge if you can do that. In our experience, this is usually accommodated.

Likewise, it is important to ask for breaks if you need them due to pain or fatigue or for any other reason.

What if I take medications during the day for my injuries?

If you take medications during the day, bring these with you to court. If they make you drowsy or impact you in some way, discuss this with your lawyer before going to court.

It is important that you plan to be at court for the whole day, even if your matter is only short. This is because sometimes court hours can change, and it is better to be prepared for that prospect.

Disability access and facilities in Victorian courts

The courts are committed to ensuring their facilities and services are inclusive and accessible for all court users. The courts are designed to be as accessible as possible, with lifts, disabled toilets and electric doors to assist with access.

If you are hearing or vision impaired or require alternative support or assistance, you should contact your lawyer and request that they contact the court to ensure that the appropriate adjustments are made to best support you.

Reading any materials before your court attendance

You should speak to your lawyer about what, if any, materials you should read in advance of your hearing so that you are prepared.

What should I wear to court?

Many of our clients ask us what they should wear to court. It is a good idea to dress neatly and comfortably in clothes that you would ordinarily wear. Courtrooms can sometimes be cold so having a jacket is a good idea. You should not wear hats or sunglasses in the courtroom.

How early should I arrive for my court hearing?

It is a good idea to get to the court well in advance of your hearing and to leave time for things such as parking or public transport delays. You will be required to go through security to enter the court, which can be busy at times, so factor this into your planning.

Food and drink in the courtroom

Going to court can be an exhausting experience for people, particularly if they are injured and especially if they are giving evidence. It is important to eat well before coming to court to ensure you have enough energy throughout the day.

Eating in courtrooms is not allowed, but there is water available.

Other civil courtroom formalities and etiquette

You will notice when you go to court that everyone in the courtroom stands up as the judge enters and leaves the room and that they bow their heads to the judge. This is directed by a member of the judge's staff, known as the tipstaff. You should follow this process if you are able to stand easily with your injuries. Seek advice from your lawyer if you are unsure about your obligations or if you feel you are unable to stand.

You can address the judge as Your Honour if required during your evidence.

Make sure you switch your mobile phone to silent or turn it off before entering the courtroom and avoid chewing gum.

Get help from a personal injury lawyer to prepare for your court hearing

At Guardian Injury Law, we are experienced in representing clients at court. We will guide you through the process and ensure you are thoroughly prepared.

If you have any queries or concerns about your court attendance, make sure you discuss them with your lawyer well before the court date.

Contacting Guardian Injury Law

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